

UNITED STATES DISTRICT COURT  
for the  
DISTRICT OF MASSACHUSETTS

PAUL T. PAPADAKIS,  
Plaintiff,

v.

CSX TRANSPORTATION, INC.,  
Defendant.

C.A. No.: 04-30189-MAP

**THE DEFENDANT, CSX TRANSPORTATION, INC.'S,**  
**REQUEST FOR SPECIAL VERDICT QUESTIONS**

Pursuant to Fed. R. Civ. P. 49, the defendant, CSX Transportation, Inc. ("CSX"), requests that this Honorable Court submit the following proposed special verdict questions to the jury at the commencement of their deliberations.

Respectfully submitted,  
The defendant,  
CSX Transportation, Inc.,  
By its attorneys:

/s/ Valerie A. Murphy  
Michael B. Flynn, BBO #559023  
Valerie A. Murphy, BBO #661460  
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DATED: April 17, 2006

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PROPOSED SPECIAL VERDICT QUESTIONS**

1. Has the plaintiff proven by a fair preponderance of the evidence that the defendant was negligent?    ☐ Yes    ☐ No
  - If yes, move on to No. 2.
  - If no, return to the courtroom.
2. Has the plaintiff proven by a fair preponderance of the evidence that the defendant's negligence actually and proximately caused the plaintiff's alleged injuries?  
☐ Yes    ☐ No
  - If yes, move on to No. 3.
  - If no, return to the courtroom.
3. Has the defendant proven by a fair preponderance of the evidence that the plaintiff was negligent with respect to the happening of his alleged accident?  
☐ Yes    ☐ No
  - If yes, move on to No. 4.
  - If no, move on to No. 6.
4. Has the defendant proven by a fair preponderance of the evidence that the plaintiff's negligence was a proximate cause of his injuries?    ☐ Yes    ☐ No
  - If yes, move on to No. 5.
  - If no, move on to No. 6.

5. What % of fault do you attribute to the plaintiff with respect to the happening of his alleged accident?

\_\_\_\_\_ %

· Move on to No. 6.

6. What is the amount of money, reduced to present value, that fairly and reasonably compensates the plaintiff for his damages?

\$\_\_\_\_\_.

Return to the courtroom.